

Ordinance \_\_\_\_\_

An ordinance amending Clallam County Code Chapter 27.01, Clallam County Environmental Policy, in conjunction with the adoption of a new Clallam County Code Compliance Title

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

**Section 1. Section .260 Enforcement procedures is amended to read as follows:**

(1) A violation of the provisions of this chapter shall constitute a civil violation subject to a monetary penalty as well as prosecution as a misdemeanor. Conviction of a violation or payment of a penalty does not relieve a violator from compliance with this chapter.

(2) A violation of the provisions of this chapter is hereby determined to be detrimental to the public health, safety, and environment and is hereby declared to be a public nuisance, subject to prevention, removal, or abatement at the expense of the person(s) creating, causing, or committing such violation, and subject to the recording of a lien for such expenses against the property where the public nuisance is located, with such lien to be of equal rank with state, county, and municipal taxes.

(3) The provisions of this chapter are subject to the enforcement and penalty provisions contained in CCC Title <>, Code Compliance, except to the extent preempted by state or federal law, and except to the extent preempted by any contrary enforcement and penalty provisions contained in this chapter.

(4) Any person subject to this chapter who violates any provision of this chapter or the provisions of a permit or approval issued pursuant to this chapter shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to such violation.

(5) Clallam County shall not issue any permit, license, or other development approval on a development proposal site subject to an enforcement order under this section; provided that Clallam County may issue such permits to rectify or correct enforcement orders.

~~— (1) Notice of all environmental clearance or actions shall be sent to the Building Official, along with any conditions that were part of such clearance or action. The Building Official shall then assume responsibility for performing inspections in conjunction with regular building permit related site inspections and procedures, to determine whether all requirements have been complied with.~~

~~— (2) Once a violation of this chapter is found to have occurred, a notice of violation shall be issued, specifically stating what constitutes the violation and advising that the violator may be subject to penalties for failure to comply with the chapter.~~

~~— (3) If the violation involves a structure or building, a regulatory order shall be posted thereon. If a regulatory order is posted, copies of the regulatory order shall be sent to the Prosecutor's Office by the Building Official.~~

~~— (4) The regulatory order posted shall depend upon the violation occurring. Two (2) regulatory orders can be used, a "Stop Work" regulatory order or a "Do Not Occupy" regulatory order. A "Stop Work" regulatory order shall be in writing and shall state that all persons shall forthwith stop work on the building or structure upon which it is posted. A "Do Not Occupy" regulatory order shall be in writing and shall state that all persons shall forthwith cease occupancy of the building or structure upon which it is posted. A "Stop Work" regulatory order shall be posted when construction is occurring and when conditions for environmental clearance have not been met or when no environmental clearance has been granted; provided, however, that the "Stop Work" regulatory order~~

~~shall not apply to construction efforts to complete improvements that have been required during environmental clearance.~~

~~— A “Do Not Occupy” regulatory order shall be posted when a structure is already built, but conditions of environmental clearance have not been met or when no environmental clearance has been granted. Whenever a regulatory order is posted, it shall be complied with immediately after posting of such notice and shall remain in full force and effect until all of the provisions of this chapter have been fully complied with.~~

~~— (5) The County Building Official shall be responsible for administration of all provisions of CCC 27.01.260(2) through (4).~~

~~— (6) The Clallam County prosecuting attorney may:~~

~~— (a) Bring a civil action to prevent any unlawful land use from occurring, to prevent its continuance, or to restrain and enjoin, correct or abate a violation of this chapter or permits hereunder.~~

~~— (b) Bring a civil action to abate any land use inconsistent with this chapter or permits hereunder as a public nuisance and obtain such relief as may be appropriate.~~

**Section 2. Section .270 Penalty for violation is deleted entirely.**

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2007

BOARD OF CLALLAM COUNTY COMMISSIONERS

\_\_\_\_\_  
Stephen P. Tharinger, Chair

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Michael C. Chapman

ATTEST:

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Trish Holden, CMC, Clerk of the Board

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Howard V. Doherty, Jr.